**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**Crl.Misc. No.20538-M of 2007**
**Date of Decision:- 01.10.2007**

Vijay Singh ....Petitioner(s)

through
Mr.Ashok Arora, Advocate

vs.

State of Haryana ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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**CORAM:-HON'BLE MR.JUSTICE SURYA KANT.**

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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**SURYA KANT, J. (ORAL)**

The prayer in this petition is to release the petitioner on regular bail in case F.I.R.No.549 dated 3.8.2006 under Section 304-B/34 IPC, registered at Police Station City, Hisar.

As per the allegations contained in the F.I.R., the younger sister of the complainant (Chameli) was married to Mahinder son of the petitioner on February 20, 2000. Two children are stated to have born out of the wedlock. It is further alleged that husband, father-in-law and mother-in-law of Chameli (since deceased) used to demand Rs.10,000/- from the complainant's father and they used to threaten that in case the aforesaid amount was not given, Chameli would be sent back to the complainant's house. It is further alleged that an amount of Rs.4,000/- in cash was paid to Mahinder-son of the petitioner. According to the complainant, a message was received that either the balance amount of Rs.6,000/- be also paid

otherwise Chameli would be killed.

The sister of the complainant-Chameli died an unnatural death by hanging herself on 3.8.2006.

The petitioner, who is father-in-law of the deceased was arrested on 7.8.2006 and is in custody since then.

I have heard learned counsel for the parties. It appears that prior to the occurrence, in the long span of six years of her married life, no complaint was ever made by Chameli or her family members that the petitioner or his family demanded dowry or caused any harassment to the deceased on that count.

Though as per the allegations, a sum of Rs.10,000/- was demanded from the family of the deceased out of which Rs.4,000/- was paid to the petitioner's son also, however, the prosecution would be under heavy onus to prove that only for a sum of Rs.6,000/-, the petitioner or his family would have created such compelling circumstances or instigated the deceased to commit suicide.

Be that as it may, no definite opinion in regard to the veracity of the allegations can be formed at this stage more so when some of the material witnesses are yet to be examined by the prosecution.

The petitioner's son (Mahinder) is already in custody.

The petitioner, as it appears, belongs to a poor strata of society and has no source of livelihood to maintain and look after the two minor children left behind by the deceased. He is already in custody for the last more than one year. The conclusion of trial is likely to take considerably long period.

In the given circumstances, there appears to be no possibility of

tampering with and/or influencing the remaining prosecution witnesses.

Having heard learned counsel for the parties and keeping in view all the attending circumstances but without expressing any views on the merits of the case lest it should prejudice either of them, this petition is allowed. The petitioner is directed to be released on bail to the satisfaction of the Chief Judicial Magistrate, Hisar.

**October 01, 2007** **( SURYA KANT )**
poonam **JUDGE**